

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of:	)	<u>Group Art Unit:</u> 3622
	)	
Leandros KONTOGOURIS	)	<u>Examiner:</u> A. Duran
	)	
Serial Number: 09/742,438	)	<i>Attorney Docket:</i> KONT3001beu
	)	
Filed: December 22, 2000	)	<u>Confirmation No.:</u> 8890

**For: Advertising System And Method Which Provides Advertisers With An Accurate Way Of Measuring Response, And Banner Advertisement Therefor**

**SUPPLEMENTAL DECLARATION TO SHOW DILIGENCE**

Honorable Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA. 22313-1450

As an Applicant named in the above-identified U.S. Patent Application, I, Leandros Kontogouris, Athens, Greece, hereby declare that:

1. This declaration is supplemental to the DECLARATION OF PRIOR INVENTION submitted under 37 CFR 1.131 on March 8, 2006, which established a conception date of the invention claimed in the above-identified patent application ("my invention") before January 31, 2000. January 31, 2000 is the effective date of U.S. Patent No. 6,636,247 (Hamzy).
2. The purpose of this declaration is to provide additional evidence proving diligence between January 31, 2000, and the filing date of the present application, December 22, 2000.
3. Attached as file "evidence\_of\_diligence.pdf" is a spreadsheet that I prepared detailing my activities during the period between January 31, 2000 and December 22, 2000. The spreadsheet includes a day-by-day account of my activities relating to development of my invention and references to supporting documents.

4. The activities listed in the spreadsheet may be summarized as follows:
  - a. During the period from January 31, 2000 to July 1, 2000, I attended classes at INSEAD in Fontainebleau, France. INSEAD is an institute for graduate studies in business administration. I was awarded a Master of Business Administration on July 1, 2000.
  - b. During my time at INSEAD, I attended classes daily, except weekends, for an average of four hours per day. An additional eight hours daily were required for studying, severely limiting the time available to develop my invention. My class schedule is attached as files schedule\_P3.pdf, schedule\_P4.pdf, and schedule\_P5.pdf. Class titles are listed in the spreadsheet.
  - c. Despite my heavy class schedule, I was diligent with respect to development of my invention during this period from January 31, 2000 to July 1, 2000. This diligence included the taking of classes chosen specifically with the aim to advance my invention, including a course entitled "New Ventures" (a syllabus of which is included in file New\_Ventures\_syllabus.pdf) that dealt with subjects such as Intellectual Property protection, and courses entitled "Entrepreneurial Finance and Venture Capital," "Strategic Management," "High Technology, Entrepreneurship and Strategy," and so forth (all courses are listed in the attached course schedules). Diligence during this period also included attending *First Tuesday* entrepreneurial networking events described in Julie\_Meyer.pdf and First\_Tuesday.pdf, and organization of and attending an e-forum event described in e-forum.pdf and e-forum\_b.pdf. In addition, during this period, I read extensively about the subject of my invention, online advertising, and about Intellectual Property protection. Files containing articles that resulted from my research on particular days are listed in the attached spreadsheet.

- d. As indicated in the attached spreadsheet, at no time did I spend more than two consecutive days during the period from January 31 to July 1, 2000 on activities unrelated to classes or my invention. The only two-day breaks during this period were from May 2 to May 3, 2000, following a visit from my brother and his fiancée during their visit to Fontainebleau from Greece after exams, and June 26 to June 27, 2000, when I sick in bed with a fever, also after exams.
- e. Following my graduation on July 1, 2000, I spent the two weeks from July 2 to July 13, 2000 packing my belongings and shipping them to Greece, selling the car I had bought in France, settling accounts with banks and different utilities, and preparing to accompany a Greek colleague on a road-trip back to Greece. At the same time, as indicated on the attached spreadsheet, I had several meeting and social contact with colleagues that could either staff my future company or to prepare the ground for financing my project, or to help me develop my invention as third-party suppliers.
- f. My car trip to Greece took 8 days, from July 14 to July 21, 2000, but the distance traversed was more than 3000 km over several countries, including Eastern European countries with poor roads and numerous mountain ranges.
- g. During the three months between July 22 and September 24, 2000 , I continued to research the many aspects related to reducing my invention to practice, including protection of intellectual property, managerial corporate decisions, and financing issues. As indicated in the spreadsheet and corresponding files labeled by date, I also worked on elaborating my model, began to familiarize myself with the format of patent applications, started producing early versions on how to organize the patent application, and searched for American lawyers of Greek origin whom I expected to be more familiar with the constraints I was face with and who could help me locate a U.S. patent attorney or agent.

- h. On September 25, 2000, I first contacted an attorney in the office of Peter Moulinos, who is currently my U.S. attorney for non-patent matters. As indicated by the attached files labeled by date, September 26 to October 31 were spent on continued research and development of my invention, negotiations with Peter Moulinos concerning terms of representation, and search for a U.S. patent specialist to perform a patentability search and prepare a patent application.
- i. Upon my approval, Mr. Moulinos initiated a patent search on November 1, 2000, which was completed on November 16, 2000. After I reviewed the search results, Mr. Moulinos engaged a U.S. patent attorney to write a patent application for my invention on November 21, 2000. The patent application draft was completed on December 15, 2000, approved on December 22, 2006, and filed the same day.
- j. While the patent application process was proceeding, from November 1, 2000 to December 22, 2006, I also conduct research concerning development of my invention and the patent process, as indicated in the files referenced in the attached spreadsheet by date.
- k. Based on the above, it can be seen that I was diligent in reducing my invention to practice during the entire period from January 31, 2000 to December 22, 2000. Except for my eight day road trip after graduation from my graduate school back to my homeland, Greece, I did not take more than three weekdays off at any time during this period, and worked on my invention during most weekends as well.
- l. It must be kept in my mind that I am individual inventor rather than a corporation, and that I was a student in a foreign country during much of the ten month critical period. In addition to working on my invention, I need to keep up with my studies and earn a living. As a citizen of Greece, I was unfamiliar with U.S. law in general, and in particular patent practice, and therefore had to spend much time

Serial Number 09/742,438

learning about the process, including how to find and retain a U.S. patent attorney. Also, I had to learn how to set up, fund, and staff a company capable of actual reduction of my invention to practice. I made significant progress in all of these areas during the ten month period.

5. The person making this declaration is the inventor.

**TIME OF PRESENTATION OF THE DECLARATION**

6. This declaration is submitted together with a Request for Continued Examination.

**ASSIGNMENT OF INVENTION**

7. This application has not been assigned.

**DECLARATION UNDER 18 USC §1001**

8. As a person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that willful false statements and the like so made are punishable by fine or imprisonment or both, under §1001 of Title 18 of the United States code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Date

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Leandros Kontogouris